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TOP SECRET

EXTRACTS FROM MINUTES OF THE COMMITTEE INVESTIGATING  
THE TREATY FOR THE RENUNCIATION OF WAR



Date: 17 June 1929 1.30 p.m.

Place: Office of the Privy Council

Appearances:

For the Privy Council:-

President KURATANI, Vice-President HIRANUMA, Councillors ITO, KANEKO, TOMII, ISHIGURO, EGI, DEN, ARAI, SAITO, ISHII, Chief Secretary FUTAKUCHI, Secretary HORIE, Secretary MUTO.

For the Government:-

Foreign Minister TANAKA, Director of the Legislation Board MIEDA, Councillor of the Legislation Board KAMEKORI, Foreign Vice-Minister YOSHIDA, Director of the Treaty Bureau MITSUNAGA, Director of the European and American Bureau HOTTA.

Chairman of the Committee ITO:

Declares the Committee in session.

Foreign Minister TANAKA:

Explains developments in the conclusion of the Treaty for the Renunciation of War. See attached paper. (Explanation takes about 30 minutes.)

( 9 lines omitted )

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Councillor TOMII:

"I have a question regarding the right of self-defense. It seems the Government has taken the view that independent nations unquestionably possess the right of self-defense, and that the Anti-War Pact does not cancel this right. In Japan's reply concerning the right of self-defense it is stated that she takes substantially the same view as the Government of the United States. However in America's explanation of this right she states she will defend her own territories, thus circumscribing the limits of the right of self-defense to her own territorial borders; whereas Great Britain's reply does not acknowledge this limitation. Not only has the latter made it clear this right extends beyond her territorial borders, but she has also transmitted the text of her reply to the League of Nations, thus clarifying her own interpretation of this matter. This shows the scrupulous precautions she has taken; not content with the principles of public law concerning the right of self-defense she has expressed her own interpretation regarding it. In spite of this, our own reply contains not the slightest reference to the substance of the right of self-defense. Will not this inconvenience us?"

Director of the European and American Bureau HOTT.:

"The Government has taken extreme care in considering the right of self-defense, and has decided to place a broad interpretation on this term and not to acknowledge any limitation of this right to the protection of our own territorial borders. Although the second communication of the American Government defines the right of self-defense as defense against attacks on her own territories, this cannot mean she has limited this right to the

defense of her own borders. In fact this same communication makes it clear that a government should decide for itself whether any measures it takes are taken in self-defense or not, and that it can only await the judgment of the world opinion of the day as to whether that decision was or was not justified. It was on these grounds that our government accepted this interpretation and replied that substantially we were of the same opinion."

"In view of the fact that the British Government's reply concerning the right of self-defense clearly declares that it will reserve freedom of action in case an attack is perpetrated against some sector of the world, our own government gave due consideration to the right and wrong, the advantages and disadvantages of a similar declaration,--to be more specific, of a special statement on our peculiar position in China and especially in Manchuria. As a result of this deliberation we came to the conclusion that a broad interpretation should be placed on the meaning of the right of self-defense and that it would be more advisable to avoid making a declaration of the above-mentioned nature. Our reasons for coming to this decision are, taking Manchuria as an example, as follows:-"

"The extent of future actions our government may take in Manchuria will vary depending on the increase in our rights and interests or in our position. Therefore even if today we should reserve the right to take action in that area according to a certain definite form, it may be that this form will be found inadequate in the future when our rights and interests have increased, and it may even be that our actions will be restricted because of this. If at this point we should make very wide reservations covering future possibilities of changes in our position, it is feared we will needlessly excite the suspicions of foreign powers. Our interpretation of this matter

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is that since we have a vital interest in Manchuria and Mongolia we will reserve freedom of action as a matter of course whenever it becomes necessary to protect our rights and interests in these areas. We believe it advisable for our actions to be explained as measures of self-defense in each individual case, depending on the circumstances of the time, and that is why we refrained from referring to this matter now."

(The remaining portions of these minutes have been omitted)

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CERTIFICATE OF SOURCE AND AUTHENTICITY

I, HAYASHI, Kaoru, who occupy the post of Chief of the Foreign Office Document Section, hereby certify that the document hereto attached, written in Japanese, consisting of 4 pages and entitled "Extract from Minutes of The Committee Investigating The Treaty for The Renunciation of War, June 19, 1919." is an exact and authorized excerpt from an official document in the custody of Japanese Government (Foreign Office).

Certified at Tokyo,

on this 26th day of February, 1947.

HAYASHI, Kaoru (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,

on this same date.

witness:

SATO, Takemaro (seal)

TRANSLATION CERTIFICATE

I, Charles D. Sheldon, Chief of the Science Language Branch, hereby certify that the foregoing translation described in the above certificate is, to the best of my knowledge and belief, a correct translation and is as near as possible to the meaning of the original document.

/s / Charles D. Sheldon

Tokyo, Japan

Date 12 February 1947

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中 略

田中本邦大蔵

門會子宣

伊實秀局長

時 日  
場 所  
出席者

時 日  
場 所  
出席者

昭和四年六月十七日午後一時半

恒常院事務所

出席者

倉官局長、平沼副局長、松本、金子、宮井、石黒、

江木、田、荒井、石井、各官團官、二上書記

官長、江崎書記官、武蔵書記官、

政府側

田中外務大臣、前田法務局長、金澤法務局長、

吉田外務次官、松永安次郎局長、田中米局長

別添甲争議案ニ関スル案の議決ニ関スル経過等子説明ニ（約三十分）

## 宮井門官

自衛隊ノコトニツキテ何トタシ政府ハ自衛隊ハ獨立國家ニ當然存在スル  
 モノニシテ不戰條約ニ依リ失フモノニアラストノ見解ヲ執ラルルモノノ  
 如シ而シテ自衛隊ニツキテ日本ノ回答中ニハ米國政府ノ了解ト實質上  
 同一ナリトアル處米國ノ自衛隊ニ關スル説明中ニハ自己ノ領土ヲ防衛ス  
 ト述ヘ領土ヲ以テ自衛隊ノ範圍ヲ制限セリ而シテ英國ノ回答ハ斯ル制限  
 チ認メス領土以外ニモ及フモノナルコトヲ明ニシ且其ノ回答チ國際聯盟  
 ニモ送付シテ自國ノ解釋ヲ表明シタルハ自衛隊ニ關スル公法上ノ原則ニ  
 満足セスシテ其ノ解釋ヲ表明セルモノニシテ用意周到ナリ  
 然ルニ我國答中ニハ自衛隊ノ實質ニ付何等言及セサルハ差支イキヤ

## 堀田隆興局長

政府ニ於テハ自衛隊ニツキテ慎重ナル考慮ヲ加ヘタルカ所ヲ解釋スル  
 コトトシ自國ノ領土ヲ防護ストノ制限ヲ認メス米國ノ第二回公文ニハ自  
 衛隊ヲ自國領土ノ攻襲ニ對スル防衛ト解釋セルカ如キ字句アリト雖之ヲ  
 自國領土ノ防衛ニ制限シタル意味ニアラサルヘシ現ニ同公文中ニハ自衛

ノ手段、リヤ否ヤハ其ノ口ガ自分自身ニテ決定スヘキモノニシテ其ノ決定  
カ正シキヤ否ヤハ當時ノ世界ノ輿論ノ判斷ニ俟ツノ外、リトノ趣旨ヲ明言  
シ居ルヲ以テ我口トシテモ此ノ解釋ヲ採リ實質上同意見、リト回答セルモ  
ノ、リ

英政府ノ回答中ニ自衛權ニ關シテ世界ノ或地域ニ對スル攻撃アル場合に  
行動ノ自由ヲ有スヘキヲ言及シ居レルカ我口ニ於テモ何等此種ノ言明ヲ  
スチ可トスルヤ否ヤ具體的ニ云ヘハ支那特ニ滿洲ニ於ケル我特殊ノ地位ニ  
關シ特別ノ言明ヲ、スノ可否得失ニ付テハ當局トシテモ充分ニ考慮ヲ費シ  
タル所、リカ自衛權ヲ廣義ニ解シ斯ノ如キ言明ハ寧ロ之ヲ避クルヲ適當ト  
ストノ結論ニ達シタリ何ト、レハ之ヲ例ヘハ滿洲ニ於テ我口カ將來執ルコ  
トアルヘキ行動ハ滿洲ニ於ケル我權益乃至地位ノ増進ニ依リ其ノ範圍ヲ異  
ニスヘク今日或一定ノ形式ヲ以テ同地方ニ對スル我行動ヲ留保スルトスル  
モ此ノ形式ハ將來我權益ノ増進セル場合ニハ不充分ニシテ却テ我口ノ行動  
ヲ制限スル結果ト、ルヤモ知ルヘカラス此等將來ノ我地位ノ變化ヲ豫想セ  
ル廣汎、ル留保ヲ、トスレハ無用ニ他口ノ疑念ヲ招ク虞アリ我口ハ滿洲

後  
略

ニ關シテ重大ナル利害關係ヲ有スルヲ以テ固ヨリ滿蒙ニ於ケル權益ヲ保  
護スル必要アル場合ニハ行動ノ自由ヲ有スルモノト解釋スル處之ハ各個  
ノ場合ニ其ノ時ノ情勢ニ應シ自衛手段トシテ説明スルヲ適當トスヘキヲ  
以テ特ニ之ニ言及セサリシ次第ナリ

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## 文書ノ出所竝ニ成立ニ關スル證明書

自分 林 繁ハ外務省文書課長ノ職ニ居ル者ナル處、茲ニ添付セラル  
 ル日本語ニ依ツテ書カレ 四頁ヨリ成ル議定書ニ關スル條約精査委員會議事概  
 要ト題スル書類ハ日本政府（外務省）ノ保管ニ係ル公文書ノ沿革ノ正確  
 ニシテ確實ナル事ナルコトヲ證明ス

昭和二十二年 二月二十六日 於 東京

林 繁

右署名捺印ハ自分ノ面前ニ於テ爲サレタリ

同日 於 同所

立 會 人 佐 藤 武 五 郎